

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MYRON N. CRISDON,

Plaintiff,

v.

NEW JERSEY VICTIM OF CRIME
COMPENSATION OFFICE,

Defendant.

Civil No. 11-4980 (NLH/KMW)

**MEMORANDUM OPINION
AND ORDER**

APPEARANCES:

Myron N. Crisdon
531 N. Seventh Street
Camden, New Jersey 08102
Pro Se

HILLMAN, District Judge

This matter having coming before the Court by way of Plaintiff Myron Crisdon's motion [Doc. No. 4] for summary judgment filed on April 12, 2012 – over a month after the Court sua sponte dismissed Plaintiff's complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and closed this case; and

The Court having previously determined by Memorandum Opinion and Order dated March 2, 2012 that Plaintiff's complaint failed to state a claim upon which relief could be granted against the Victims of Crimes Compensation Office of the State of New Jersey because Defendant "is an entity of the State of New Jersey falling under the umbrella of the Office of the Attorney General,

the Department of Law and Public Safety, through the Division of Criminal Justice" and thus, the Eleventh Amendment barred Plaintiff's claims "[b]ecause Defendant is an arm of the State of New Jersey, and any recovery sought by Plaintiff would be paid by the State," (Mem. Op. & Order [Doc. No. 2] 4-5, Mar. 2, 2012); and

The Court further noting that the present motion for summary judgment was filed on the same day that Plaintiff also filed a notice of appeal [Doc. No. 3] in this action; and

The Court having previously denied Plaintiff's application [Doc. No. 6] to proceed in forma pauperis on appeal after finding that Plaintiff's appeal was not take in good faith, (see Mem. Op. & Order [Doc. No.7] 2-4, Apr. 26, 2012); and

The United States Court of Appeals for the Third Circuit having dismissed Plaintiff's appeal by Order dated June 22, 2012 based on Plaintiff's failure to timely prosecute the action because Plaintiff did not pay the required fee for an appeal, (see Court of Appeals Order [Doc. No. 9] 1, June 22, 2012); and

The Court noting that Plaintiff's present motion for summary judgment asserts that Defendant "has no real prospect of successfully defending the claim or issue at hand and there is no compelling reason why the case or issue should be disposed of at a trial[,] " (see Mot. for Summ. J. [Doc. No. 4] 1); but

The Court having previously determined that Plaintiff's

claim against Defendant fails because Defendant is entitled to Eleventh Amendment immunity in this case; and

The Court finding that the issue raised by the present motion for summary judgment has already been decided by this Court and Plaintiff's complaint was previously dismissed with prejudice.

Accordingly,

IT IS on this 17th day of July, 2012, hereby

ORDERED that Plaintiff's motion for summary judgment shall be, and hereby is, **DENIED AS MOOT**.

At Camden, New Jersey

/s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.